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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,432	09/13/2000	Masahiro Takatori	MTS-3205US	9059

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EXAMINER

LEVITAN, DMITRY

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/662,432	Applicant(s) TAKATORI ET AL.	
	Examiner Dmitry Levitan	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 14, 86-99 and 101-111 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 86-95, 97-99, 103 and 104 is/are allowed.
- 6) ☒ Claim(s) 10, 11, 13, 14, 96, 101, 102 and 105-111 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Amendment, filed 02/03/06, has been entered. Claims 1-11, 13, 14, 86-99 and 101-111 remain pending. Claims 100 and 112-125 have been cancelled per Examiner Amendment of 4/15/05.

Double Patenting

1. Claims 10, 11, 13, 14, 96, 101, 102, 105, 105 and 108-111 of this application conflict with claims 1, 12, 21, 30 and 45-48 of Application No. 11,157,881. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Rejections - 35 USC § 102

1. Claims 10, 11, 13, 14, 96, 101, 102 and 105-111 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagihara (US 5,899,578).
2. Regarding claims 10, 11, 13, 14, 96, 101, 102, 105, 106 and 108-111, Yanagihara teaches a system (Integrated Receiver Decoder on Fig. 1 and 3:32-35), comprising:

A receiving unit (portions of front end 1 on Fig. 1, comprising a tuner, QPSK demodulator and error correction circuit 3:66-4:4) which is configured to receive a transport stream (MPEG transport stream on Fig. 2 and 3 and 4:5-5:62) transmitted from a transmission system which multiplexes at least (1) compression coded contents of a program (video and audio data on Fig. 2 and 3, 4:16-24), (2) program specific information having at least a NIT, a PAT and

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a PMT (PAT and PMT on Fig. 3 and 4:55-58, network information table NIT 5:1-5), and (3) service information having at least an EIT (event information table EIT 5:20-25);

A switching unit which is configured to switch the transport stream to an output for display or for recording (demultiplexer 2 on Fig. 1 switching all the data through a digital interface 11 to an external video tape recorder DVCR 6:63-7:12 or for display to video and audio out); and

A replacing unit which is configured to replace not only an NIT packet, but also a packet having the EIT in the transport stream which is outputted for recording with a packet generated from the service information (microcomputer 9, which controls the overall operation of the system 3:58-65 and providing modification/replacement to NIT and EIT packets, wherein all NIT packets are dropped/replaced, and portions of the original EIT/service information are ignored 7:13-38 actually replacing an EIT packet with a modified one).

In addition, regarding claims 110 and 111, Yanagihara teaches replacing plural types of packets in the transport stream which is outputted for recording with a packet generated from the service information (modifying/replacing RST and SDT packets, in addition to EIT packets, wherein the portions of the original packets are ignored 7:39-45).

In addition, regarding claims 101, 102, 109-111, Yanagihara teaches the packet generated from a service information (EIT packet generated by the modification from the original EIT packet/service information, as shown above in the rejection of claims 1, 12, 21 and 30) as a packet related to a program which is selected by an external instruction (EIT is an event information packet, comprising information on the program details 5:20-25, wherein the program for the recording is selected by an instruction of a user, inherently part of the system, because the

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transport ID is identified from EIT is essential for a program/channel selection by a user 5:45-54).

3. Regarding claim 107, Yanagihara teaches the service information comprising SDT (Service description table on 5:13-20).

Allowable Subject Matter

4. Claims 1-9, 86-95, 97-99, 103 and 104 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7529. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan
Patent Examiner.
03/15/06